

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Cimarron, Kansas))

MM Docket No. 99-113
RM-9544

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: John A. Karousos
Chief, Allocations Branch
Policy and Rule Division
Mass Media Bureau

PETITION FOR RULEMAKING AND COMMENT

NOW COMES Petitioner Nancy J. Puopolo, by her undersigned attorney, and hereby requests that the Commission amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to allot Channel 222A to Cimarron, Kansas. Petitioner's request is in support of the proposal made by the Commission in its Notice of Proposed Rulemaking dated April 2, 1999.

I. Preliminary Statement

Petitioner hereby incorporates by reference as if fully set forth herein her prior pleadings in support of her petition and states it is her intention to apply for the channel allotment proposed by the Commission. Petitioner further states it is her intention to facilitate the prompt construction of an FM radio station to serve Cimarron, Kansas if authorized to do so. She believes the public interest and the other priorities of the Commission would be best advanced by approval of the proposed allotment.

II. Argument

A. *Nancy J. Puopolo's Proposal Has Already Been Determined to Meet Spacing and Other Technical Requirements.*

Inasmuch as the Commission has advanced the above-mentioned proposal (See Notice of Proposed Rulemaking DA 99-629 dated April 2, 1999) with "a site restriction of 3.4 kilometers (2.1 miles) west of the community to avoid short-spacing to Station KONQ(FM), Channel 220A, Dodge City, Kansas", the proposed allocation of Channel 222A to Cimarron, Kansas has already passed technical muster. The Commission, having examined the technical feasibility of the proposed allocation, has not only determined it acceptable but has been able to move ahead to preliminary limitations of a license.

Compliance with the site restriction of the proposed allocation could be accomplished with ease, since the town itself and the contiguous county subdivision of Cimarron Township is cohesive enough to be properly served within its limits. The town measures slightly more than one mile east to west, and about two miles north to south. Cimarron Township is a designated county subdivision that is only slightly larger. According to the 1990 U.S. Census, Cimarron Township has a population of 2,125 while the town itself has 1,626 people within its borders. The proposed allocation would effect service to a geographically compact and cohesive populace.

B. *Nancy J. Puopolo's Proposal Would Satisfy Commission Allotment Priorities.*

The Petitioner has proposed, and the Commission in the NPRM dated April 2, 1999 has endorsed, an allotment that satisfies not only the top priority of the

¹ See Notice of Proposed Rulemaking DA 99-629 dated April 2, 1999, item 16; MM Docket No.99-113; RM 9544.

Commission but its public interest mandate as well. Revision of FM Assignment Policies and Procedures 90 FCC2d 88 (1982). As noted in the NPRM, the proposed allotment would provide Cimarron's "first local aural service"². This alone would satisfy the top and third of the four priorities established by the Commission.³

As to the fourth priority, "other public interest matters", Petitioner states the public interest of the community of Cimarron would be best served by the proposed allotment of channel 222A there. The signal would serve a cohesive population with a town of established borders, and beyond those borders in a recognized county subdivision.

Cimarron's residents live in 624 households⁴, 8 of them on farms and the rest designated as a "rural, Nonfarm" population⁵. The families in Cimarron, according to the 1990 Census, were raising and educating 486 children under the age of 18 and included 181 residents over the age of 75⁶. Not only does the town have its own identity deserving of an FM radio station, but the wider county subdivision beyond its borders has identified itself with the community.

Petitioner intends that an FM radio station which would be the first established for this region would prioritize the public interest of this cohesive and identified community.

² *id.*

³ The Revision identifies the order of priorities as 1) first full-time aural service; 2) second full-time aural service; 3) first local service; and 4) other public interest matters. Since co-equal weight is given to priorities 2) and 3), the allotment proposed herein must be considered to meet the Commission's top priorities as it offers both first aural service *and* first local service.

⁴ 1990 U.S. Census Data C90STF1A Database.

⁵ 1990 U.S. Census Data C90STF3A Database.

⁶ 1990 U.S. Census Data C90STF1A Database.

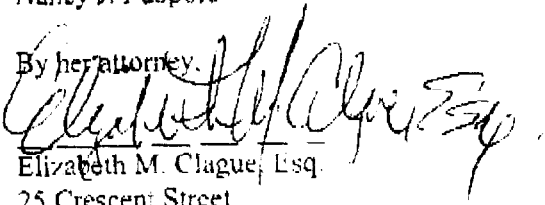
III. Conclusion

For the foregoing reasons Petitioner hereby timely submits these comments and respectfully requests this Commission to Amend Section 73.202(h), Table of Allotments, FM Broadcast Stations to establish Channel 222A at Cimarron, Kansas, as the Commission has proposed in its Notice of Proposed Rulemaking No. DA 99-629, MM Docket No. 99-113, RM 9544.

Respectfully submitted,

Nancy J. Puopolo

By her attorney,


Elizabeth M. Clague, Esq.

25 Crescent Street
Brockton, MA 02301
(508) 587-1191